

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* Patent Application of: )  
**Christian REITER et al.** ) Group Art Unit: 1645  
Serial No.: 10/089,452 ) Examiner: Nita M. Minnifield  
Filed: January 27, 2003 ) Confirmation No: 9277  
For: **IMPROVED METHOD FOR** )  
**DETECTING ACID RESISTANT** )  
**MICROORGANISM IN THE STOOL** )

Commissioner for Patents  
United States Patent and Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

REQUEST TO CORRECT FILING DATE OF POWER OF ATTORNEY

Applicants respectfully request the U.S. Patent and Trademark Office (USPTO) to correct an error appearing on the Notice of Acceptance of Power of Attorney and Notice Regarding Change of Power of Attorney, copies of which were mailed by the USPTO to both the Applicants' representative and previous counsel (DLA Piper Rudnick Gray Cary US, LLP), respectively, on January 3, 2007. As provided in the Notices, Applicants' representative filed a new power of attorney on September 16, 2006, which according to our file records and PAIR transaction history, is an incorrect filing date. As submitted, Applicants' representative had filed the Revocation of Previous Power of Attorney, Appointment of New Attorney or Agent and Change of Correspondence Address via facsimile as early as July 18, 2005 (enclosed as Exhibit A). A second filing was made on September 14, 2005 (enclosed as Exhibit B). Applicants respectfully request that a notice with the correct filing date be mailed to both the Applicants' representative and prior counsel.

In addition, Applicants note that the USPTO's mailing of the Office Action to prior counsel has caused a delay in the prosecution of the present application. Applicants had filed a Response to Non-Final Office Action on March 1, 2006 and a Status Inquiry on October 31, 2006. Applicants only then heard from the USPTO on November 30, 2006, when the Examiner telephoned the Applicants' representative to inform him that a Notice of Non-Compliant

Amendment was mistakenly sent to the prior counsel on May 17, 2006. Applicants then waited for the Examiner to correct the error and resend the Notice. On January 6, 2007, Applicants received a notice to change the power of attorney and a second Notice of Non-Compliant Amendment, both of which were mailed on January 3, 2007. Applicants then filed a response to the Notice of Non-Compliant Amendment on February 1, 2007.

Applicants respectfully submit that the USPTO's error in not sending the May 17, 2006 Notice to Applicants' correct counsel has caused a significant delay in the prosecution of this patent application. That delay should not be credited against the Applicants.

Should the Examiner require any further assistance in this regard, please do not hesitate to call Applicants' representative.

Respectfully submitted,

Date: February 12, 2007

/Jeffrey A. Lindeman, Reg. # 34,658/  
Jeffrey A. Lindeman  
Registration No. 34,658

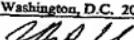
NIXON PEABODY LLP  
Suite 900  
401 9<sup>th</sup> Street, N.W.  
Washington, D.C. 20004-2128  
Telephone: (202) 585-8000  
Facsimile: (202) 585-8080

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/089,452
		Filing Date	January 27, 2003
		First Named Inventor	Christian Reiter
		Group Art Unit	1645
		Examiner Name	Nita M. Minnifield
Total Number of Pages in This Submission	2	Attorney Docket Number	032034-002000

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Supplemental Information Disclosure Statement w/Page 1 of PTO-Form 1449 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> (for an Applicant) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal, Reex, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input type="checkbox"/> A self-addressed prepaid postcard for acknowledging receipt <input type="checkbox"/> Other Enclosure(s) (please identify below): _____
Remarks <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.		

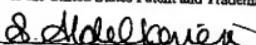
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Jeffrey A. Linderman (Reg. No. 34,658) Nixon Peabody LLP 401 9 <sup>th</sup> Street, N.W. Suite 900 Washington, D.C. 20004-2128
Signature	
Date	July 18, 2005

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

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July 18, 2005  
Date
  
 Shoshone A. Vilkas  
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REVOCATION OF  
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AND CHANGE OF CORRESPONDENCE  
ADDRESS

Application Number	10/089,452
Filing Date	January 27, 2003
First Named Inventor	Christian REITER
Title	IMPROVED METHOD FOR DETECTING ACID RESISTANT MICROORGANISMS IN THE STOOL
Group Art Unit	1645
Examiner Name	To Be Assigned
Attorney Docket Number	032034-002000

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application and appoint:

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I am the:

 Applicant/Inventor. Assignee of record of the entire interest. A copy of an assignment from the inventor(s) of the patent application/patent identified above is attached.

## SIGNATURE of Applicant or Assignee of Record

Name

*Christina Reiter*

Signature

*Christina Reiter*

Date

04 MRS. 2004

IV

NOTE: Signatures of all the inventors or assignees of record of the entire interest of their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

 \*Total of \_\_\_\_\_ forms are submitted.SEND TO: Commissioner for Patents  
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(for 1645)

EXHIBIT B

## TRANSMITTAL FORM

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Total Number of Pages in This Submission

	Application Number	10/089,452
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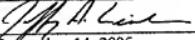
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#### Remarks

The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Jeffrey A. Lindeman (Reg. No. 34,658) Nixon Peabody LLP 401 9 <sup>th</sup> Street, N.W. Suite 900 Washington, D.C. 20004-2128
Signature	
Date	September 14, 2005

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Date

Signature

Typed or printed name



P078US02

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I am the:

Applicant/Inventor.

Assignee of record of the entire interest. A copy of an assignment from the inventor(s) of the patent application/patent identified above is attached.

SIGNATURE of Applicant or Assignee of Record

Name

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LONE RITTER

Date

04 MRS. 2004

NOTE: Signatures of all the inventors or assignees of record of the entire interest of their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

\*Total of \_\_\_\_\_ forms are submitted.